

Part 5

Enforcement Provisions

26-8a-501 Discrimination.

- (1) No person licensed, certified, or designated pursuant to this chapter may discriminate in the provision of emergency medical services on the basis of race, sex, color, creed, or prior inquiry as to ability to pay.
- (2) This chapter does not authorize or require medical assistance or transportation over the objection of an individual on religious grounds.

Enacted by Chapter 141, 1999 General Session

26-8a-502 Illegal activity.

- (1) Except as provided in Section 26-8a-308 or 26-8b-201, a person may not:
 - (a) practice or engage in the practice, represent himself to be practicing or engaging in the practice, or attempt to practice or engage in the practice of any activity that requires a license, certification, or designation under this chapter unless that person is so licensed, certified, or designated; or
 - (b) offer an emergency medical service that requires a license, certificate, or designation unless the person is so licensed, certified, or designated.
- (2) A person may not advertise or hold himself out as one holding a license, certification, or designation required under this chapter, unless that person holds the license, certification, or designation.
- (3) A person may not employ or permit any employee to perform any service for which a license or certificate is required by this chapter, unless the person performing the service possesses the required license or certificate.
- (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah Emergency Medical Services insignia without authorization from the department.
- (5) A person may not reproduce or otherwise use materials developed by the department for certification or recertification testing or examination without authorization from the department.
- (6) A person may not willfully summon an ambulance or emergency response vehicle or report that one is needed when such person knows that the ambulance or emergency response vehicle is not needed.
- (7) A person who violates this section is subject to Section 26-23-6.

Amended by Chapter 22, 2009 General Session

26-8a-503 Discipline of emergency medical services personnel.

- (1) The department may refuse to issue a certificate or renewal, or revoke, suspend, restrict, or place on probation an individual's certificate if:
 - (a) the individual does not meet the qualifications for certification under Section 26-8a-302;
 - (b) the individual has engaged in conduct, as defined by committee rule, that:
 - (i) is unprofessional;
 - (ii) is adverse to the public health, safety, morals, or welfare; or
 - (iii) would adversely affect public trust in the emergency medical service system;
 - (c) the individual has violated Section 26-8a-502 or other provision of this chapter;

- (d) a court of competent jurisdiction has determined the individual to be mentally incompetent for any reason; or
 - (e) the individual is unable to provide emergency medical services with reasonable skill and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical condition, when the individual's condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public health, safety, or welfare that cannot be reasonably mitigated.
- (2)
- (a) An action to revoke, suspend, restrict, or place a certificate on probation shall be done in:
 - (i) consultation with the peer review board created in Section 26-8a-105; and
 - (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.
 - (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist order under Section 26-8a-507 to immediately suspend an individual's certificate pending an administrative proceeding to be held within 30 days if there is evidence to show that the individual poses a clear, immediate, and unjustifiable threat or potential threat to the public health, safety, or welfare.
- (3) An individual whose certificate has been suspended, revoked, or restricted may apply for reinstatement of the certificate at reasonable intervals and upon compliance with any conditions imposed upon the certificate by statute, committee rule, or the terms of the suspension, revocation, or restriction.
- (4) In addition to taking disciplinary action under Subsection (1), the department may impose sanctions in accordance with Section 26-23-6.

Amended by Chapter 167, 2015 General Session

26-8a-504 Discipline of designated and licensed providers.

- (1) The department may refuse to issue a license or designation or a renewal, or revoke, suspend, restrict, or place on probation, an emergency medical service provider's license or designation if the provider has:
- (a) failed to abide by terms of the license or designation;
 - (b) violated statute or rule;
 - (c) failed to provide services at the level or in the exclusive geographic service area required by the license or designation;
 - (d) failed to submit a renewal application in a timely fashion as required by department rule;
 - (e) failed to follow operational standards established by the committee; or
 - (f) committed an act in the performance of a professional duty that endangered the public or constituted gross negligence.
- (2)
- (a) An action to revoke, suspend, restrict, or place a license or designation on probation shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
 - (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist order under Section 26-8a-507 to immediately suspend a license or designation pending an administrative proceeding to be held within 30 days if there is evidence to show that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat to the public health, safety, or welfare.
- (3) In addition to taking disciplinary action under Subsection (1), the department may impose sanctions in accordance with Section 26-23-6.

Amended by Chapter 382, 2008 General Session

26-8a-505 Service interruption or cessation -- Receivership -- Default coverage -- Notice.

- (1) Acting in the public interest, the department may petition the district court where an ambulance or paramedic provider operates or the district court with jurisdiction in Salt Lake County to appoint the department or an independent receiver to continue the operations of a provider upon any one of the following conditions:
 - (a) the provider ceases or intends to cease operations;
 - (b) the provider becomes insolvent;
 - (c) the department has initiated proceedings to revoke the provider's license and has determined that the lives, health, safety, or welfare of the population served within the provider's exclusive geographic service area are endangered because of the provider's action or inaction pending a full hearing on the license revocation; or
 - (d) the department has revoked the provider's license and has been unable to adequately arrange for another provider to take over the provider's exclusive geographic service area.
- (2) If a licensed or designated provider ceases operations or is otherwise unable to provide services, the department may arrange for another licensed provider to provide services on a temporary basis until a license is issued.
- (3) A licensed provider shall give the department 30 days notice of its intent to cease operations.

Enacted by Chapter 141, 1999 General Session

26-8a-506 Investigations for enforcement of chapter.

- (1) The department may, for the purpose of ascertaining compliance with the provisions of this chapter, enter and inspect on a routine basis the business premises and equipment of a person:
 - (a) with a certificate, designation, permit, or license; or
 - (b) who holds himself out to the general public as providing a service for which a certificate, designation, permit, or license is required under Section 26-8a-301.
- (2) Before conducting an inspection under Subsection (1), the department shall, after identifying the person in charge:
 - (a) give proper identification;
 - (b) describe the nature and purpose of the inspection; and
 - (c) if necessary, explain the authority of the department to conduct the inspection.
- (3) In conducting an inspection under Subsection (1), the department may, after meeting the requirements of Subsection (2):
 - (a) inspect records, equipment, and vehicles; and
 - (b) interview personnel.
- (4) An inspection conducted under Subsection (1) shall be during regular operational hours.

Enacted by Chapter 141, 1999 General Session

26-8a-507 Cease and desist orders.

The department may issue a cease and desist order to any person who:

- (1) may be disciplined under Section 26-8a-503 or 26-8a-504; or
- (2) otherwise violates this chapter or any rules adopted under this chapter.

Enacted by Chapter 141, 1999 General Session

